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GOVERNMENT OF GOA



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GOVERNMENT OF GOA

Department of Home

Home—General Division

Office of the District Magistrate, North Goa

Order

No. 40/16(5)/2016-MAG/Law & Order/342

U/S 144 of Criminal Procedure Code, 1973

Whereas, polling to the General Election to Goa Legislative Assembly – 2017 is scheduled to be held on 04-02-2017 for the Assembly Constituencies in the State of Goa and the Election Model Code of Conduct is already in force with effect from 04-01-2017;

And whereas, it is essential to conduct the General Election in free and fair manner and to maintain public peace, order and tranquillity as per provisions of Law and Model Code of Conduct which has come into effect from 04-01-2017;

And whereas, it has come to the notice of the undersigned that political disputes, confrontation and violence start on the eve of the poll mainly due to misuse of Hotels, Restaurants, Tea Shops, Pan Shops and other food shops/joints (Dhabas, Gaddas) etc., while carrying out door to door campaigning or intimidation of voters or influencing voters and due to gathering any crowd at places within the vicinity of 200 meters of the polling stations, which creates nuisance and law and order problems.

And whereas, Sections 171-B and 171-C of the Indian Penal Code (IPC) clearly disallow attempts of bribery and undue influence on any person or voter

and whoever commits offence of bribery is punishable under Section 171-E of IPC and whoever commits the offence of undue influence or impersonation at an election is punishable under Section 171-F of IPC.

And whereas, I am satisfied that the circumstances do not permit the serving, in due time, of the notices individually upon the persons against whom this order is directed and therefore, under the powers vested in me under sub-section (2) of Section 144 of the Code of Criminal Procedure, 1973, I hereby pass the order ex-parte.

Now therefore, I, Nila Mohanan, IAS, District Magistrate, North Goa District, in exercise of the powers vested in me under sub-section (1) of Section 144 of Code of Criminal Procedure, 1973 hereby order that on the day of the poll viz from 06:00 hrs. to midnight on 04-02-2017, all Hotels, Restaurants, Bars, Tea Shops, Pan Shops, Eateries and other food shops/joints (Dhabas, Gaddas) etc., within the vicinity of 200 meters of any polling stations in all Assembly Constituencies within North Goa District, shall remain closed to avoid their misuse for campaigning or intimidation of voters or influencing voters and I further ban any gathering or crowd comprising of more than 5 persons within 200 meters of any polling stations in order to avoid occurrence of any law and order problem.

Failure to comply with this order shall be liable for penal action under Section 188 of Indian Penal Code and other relevant provisions of laws in force.

Given under my hand and seal of this office on this 25th day of January, 2017.

Panaji.— The District Magistrate, North Goa District, *Nila Mohanan*, IAS.

Order

No. 40/16(5)/2016-MAG/Law & Order/341

U/S 144 of Criminal Procedure Code, 1973

Whereas, polling to the General Election to Goa Legislative Assembly – 2017 is scheduled to be held on 04-02-2017 for the Assembly Constituencies in the State of Goa and the Election Model Code of Conduct is already in force with effect from 04-01-2017;

And whereas, the Government of Goa vide Notification No. 2/1/95-Fin(R&C) Part (A)/1597 dated 19-01-2017 has directed that all the licensed premises **“for the sale of liquor”** in the State of Goa shall be closed from 05:00 p.m. of 02-02-2017 till 00.00 hrs. of 05-02-2017 and on 11-03-2017, in view polling and counting of votes for General Election to the Goa Legislative Assembly, 2017;

And whereas, Section 29(A) of Goa Excise Duty Act, 1964 empowers the District Magistrate to order the closure of the licensed premises **“for the sale of liquor”** within his/her jurisdiction for such period as may be necessary and appropriate for maintenance of law and order.

And whereas, in my considered opinion, there is sufficient grounds for proceeding under sub-section (1) of Section 144 of Code of Criminal Procedure, 1973 for closure of all the licensed premises **“for the sale of liquor”** within North Goa District from 05:00 p.m. of 02-02-2017 till 00.00 hrs. of 05-02-2017 and on 11-03-2017, in view polling and counting of votes for General Election to the Goa Legislative Assembly, 2017;

And whereas, I am satisfied that the circumstances do not permit the serving, in due time, of the notices individually upon the persons against whom this order is directed and therefore, under the powers vested in me under sub-section (2) of Section 144 of the Code of Criminal Procedure, 1973, I hereby pass the order ex-parte.

Now therefore, I, Nila Mohanan, IAS, District Magistrate, North Goa District, in exercise of the power vested in me under sub-section (1) of Section 144 of Code of Criminal Procedure, 1973 read with Section 29A of the Goa Excise Duty Act, 1964 do hereby order that all the licensed premises **“for the sale of liquor”** shall remain closed from “05:00 p.m. of 02-02-2017 till 00.00 hrs. of 05-02-2017 and

on 11-03-2017”, in view of polling and counting of votes for General Election to the Goa Legislative Assembly, 2017.

Further, the licensed premises having license for Bar and Restaurant are allowed to keep the Restaurant open for serving food only and the Bar counter shall be closed and no liquor shall be allowed to be served on the above mentioned days and time. The owners of the licensed premises having Bar and Restaurant shall display a board in the premises stating that no liquor will be served on the said days and time and that only the Restaurant is open for serving food.

Failure to comply with this order shall result in the cancellation of licences and the owner or offender shall be liable for penal action under Section 188 of Indian Penal Code, Section 30 of the Excise Duty Act, 1964 and other relevant provisions of laws in force.

Given under my hand and seal of this office, this 24th day of January, 2017.

Panaji.— The District Magistrate, North Goa District, *Nila Mohanan*, IAS.

Order

No. 40/16(5)/2016-MAG/Law & Order/343

U/S 144 of Criminal Procedure Code, 1973

Whereas, polling to the General Election to Goa Legislative Assembly–2017 is scheduled to be held on 04-02-2017 for the Assembly Constituencies in the State of Goa and the Election Model Code of Conduct is already in force with effect from 04-01-2017;

And whereas, it is essential to conduct the General Election in free and fair manner and to maintain public peace, order and tranquillity as per provisions of Law and Model Code of Conduct which has come into effect from 04-01-2017;

And whereas, it has come to the notice of the undersigned that political disputes, confrontation and violence start on the eve of the poll day mostly while carrying out door to door campaigning or intimidations of voters or influencing voters and due to gathering any crowd and creates nuisance and law and order problem.

And whereas, Section 126 of the Representation of the Peoples Act, 1951, provides that no candidate shall try to influence voters in any way and thus no public meetings, procession, musical concert or rally or any kind of efforts for campaigning or electioneering is to be allowed in the last 48 hours from the hours of close of poll i.e. 17:01 hrs. on 02-02-2017.

And whereas, Sections 171-B and 171-C of the Indian Penal Code (IPC) clearly disallow attempts of bribery and undue influence on any person or voter and whoever commits offence of bribery is punishable under Section 171-E of IPC and whoever commits the offence of undue influence or impersonation at an election is punishable under Section 171-F of IPC.

And whereas, I am satisfied that the circumstances do not permit the serving, in due time, of the notices individually upon the persons against whom this order is directed and therefore, under the powers vested in me under sub-section (2) of Section 144 of the Code of Criminal Procedure, 1973, I hereby pass the order ex-parte.

Now therefore, I, Nila Mohanan, IAS, District Magistrate, North Goa District, in exercise of the power vested in me under sub-section (1) of Section 144 of Code of Criminal Procedure, 1973 do hereby order that:

- (1) From 17:01 hours of 02-02-2017 to midnight of 04-02-2017 in all Assembly Constituencies under the jurisdiction of North Goa District Election office,
 - (a) Any assembly of five or more persons (including contesting candidates & workers) will be deemed as unlawful assembly under Section 144 of the Code of Criminal Procedure, 1973 and shall be prohibited to hold any procession or rally under the garb of house to house visits or corner meetings and to prevent creation of any nuisance and law and order problem.
 - (b) All vehicles permitted for use contesting candidates by the Returning Officer for campaigning shall not ply on roads so as to avoid any distribution of money or gifts or liquor and to prevent any nuisance and law and order problem, except

the vehicles authorized by the Returning Officer, DEO & CEO on the day of poll.

- (c) All private vehicles shall be checked in a dignified manner to avoid their misuse for distribution of money or gifts or liquor and for causing any nuisance also to avoid any harassment to private persons.

However, the above order shall not apply to the authorized officers on Election Duty by the Election Commission or the State Government, including the Polling Officials, Magistrates, Police Officials and Government staff.

Given under my hand and seal of this office on this 25th day of January, 2017.

Panaji.— The District Magistrate, North Goa District, *Nila Mohanan*, IAS.

Order

No. 4/1/92-MAG/Vol. V/349

Under Section 144 of the Code of Criminal Procedure of 1973

Whereas, the Superintendent of Police, North Goa has brought to the notice of the undersigned that Unmanned Aerial Vehicles (UAV)/Unmanned Aircraft Systems (UAS) commonly known as drones could pose a security threat due to their unregulated use.

And whereas, the General Election to the Legislative Assembly of Goa is scheduled to be held on 04-02-2017 and a state of high alert and vigil is being maintained to ensure that law and order prevails.

And whereas, in view of above, it is necessary to regulate the use of such UAS/UAVs or Drones in the Indian Civil Airspace by Non-Government Agencies, Organisations or an individual.

Now therefore, I, Nila Mohanan, IAS, District Magistrate, North Goa, in exercise of the powers conferred upon me under Section 144(1) of Code of Civil Procedure, 1973 do hereby prohibit all the Non-Governmental Agencies, Organisations and individuals from launching such UAS/UAVs or Drones in Indian Civil Airspace within the jurisdiction of North Goa District, without prior permission from this office.

This Order shall come into force with effect from 27th January, 2017 and shall remain in force for a period of 60 days i.e. upto 27th March, 2017 (both days inclusive), unless withdrawn earlier.

As the notice cannot be served individually to all the concerned, the order is passed ex-parte. It shall be published for the information of public through Official Gazette, local newspapers and by

affixing copy on the notice board of the SP(North), SDMs, all the SDPOs & all the Police Stations in North Goa District.

Given under my hand and seal of this office, this 27th day of January, 2017.

Panaji.— The District Magistrate, North Goa District, *Nila Mohanan*, IAS.

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